

United States District Court
District of Massachusetts (Worcester)
CIVIL DOCKET FOR CASE #: 4:17-cv-40149-TSH

L&P Paper, Inc. v. North American Communications, Inc. Date Filed: 11/14/2017
Assigned to: District Judge Timothy S. Hillman Jury Demand: Defendant
Cause: 28:1332 Diversity-Other Contract Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

L&P Paper, Inc.

represented by **James D. O'Brien , Jr.**
Mountain, Dearborn & Whiting,
LLP
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obrien@mountaindearborn.com
TERMINATED: 06/13/2019
ATTORNEY TO BE NOTICED

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*TERMINATED: 07/16/2018**ATTORNEY TO BE NOTICED*

V.

Defendant**North American
Communications, Inc.**represented by **Melissa C. Allison**

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Boston, MA 02109

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David B. Lyons**

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*ATTORNEY TO BE NOTICED***Counter Claimant****North American**represented by **Melissa C. Allison**

Communications, Inc.

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***David B. Lyons**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Counter Defendant**Mr. Martin Gubb**represented by **Jared A. Fiore**

(See above for address)

*ATTORNEY TO BE NOTICED***Louis M. Ciavarra**

(See above for address)

*ATTORNEY TO BE NOTICED***Paul C. Foley**

(See above for address)

*TERMINATED: 07/16/2018**ATTORNEY TO BE NOTICED***Counter Defendant****L&P Paper, Inc.**represented by **James D. O'Brien , Jr.**

(See above for address)

*TERMINATED: 06/13/2019**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Jared A. Fiore**

(See above for address)

*ATTORNEY TO BE NOTICED***Louis M. Ciavarra**

(See above for address)

*ATTORNEY TO BE NOTICED***Paul C. Foley**

(See above for address)

TERMINATED: 07/16/2018

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------------|---|
| 11/14/2017 | <u>1</u> | COMPLAINT <i>for Civil Action Alleging Defendant Owes Plaintiff a Sum of Money</i> against All Defendant's. Filing fee: \$ 400, receipt number 0101-6884742 (Fee Status: Filing Fee paid), filed by L&P Paper, Inc.. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Civil Category Sheet, # <u>3</u> Summons in a Civil Action, # <u>4</u> Exhibit A)(Foley, Paul) (Main Document 1 replaced on 11/15/2017) (Burgos, Sandra). (Attachment 1 replaced on 11/15/2017) (Burgos, Sandra). (Attachment 2 replaced on 11/15/2017) (Burgos, Sandra). Modified on 11/15/2017 (Jones, Sherry). (Attachment 4 replaced on 11/15/2017) (Burgos, Sandra). (Entered: 11/14/2017) |
| 11/15/2017 | 2 | NOTICE of Case Assignment. Magistrate Judge David H. Hennessy assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here. These documents will be mailed to counsel not receiving notice electronically. Pursuant to General Order 09-3, until the Court receives for filing either a consent to the Magistrate Judge's jurisdiction or the reassignment of the case to a District Judge, the initial assignment of a civil case to the Magistrate Judge is a referral to the Magistrate Judge under 28 USC 636(b) for all pretrial non-dispositive matters and Report and Recommendations, but not for the Rule 16(b) scheduling conference. (Burgos, Sandra) (Entered: 11/15/2017) |
| 11/15/2017 | <u>3</u> | Summons Issued as to North American Communications. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Burgos, Sandra) (Entered: 11/15/2017) |
| 12/05/2017 | <u>4</u> | NOTICE of Appearance by Melissa C. Allison on behalf of North American Communications, Inc. (Allison, Melissa) (Entered: 12/05/2017) |
| 12/05/2017 | <u>5</u> | Assented to MOTION for Extension of Time to January 19, 2018 to File Answer <i>to Complaint</i> by North American Communications, Inc.. |

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| | | (Allison, Melissa) Modified docket text on 12/5/2017 (Burgos, Sandra). (Entered: 12/05/2017) |
| 12/06/2017 | <u>6</u> | Magistrate Judge David H. Hennessy: ELECTRONIC ORDER entered granting <u>5</u> Motion for Extension of Time to Answer. North American Communications, Inc. answer due 1/19/2018. (DHH, law2) (Entered: 12/06/2017) |
| 01/19/2018 | <u>7</u> | ANSWER to <u>1</u> Complaint,, with Jury Demand , COUNTERCLAIM against L&P Paper, Inc., Martin Gubb by North American Communications, Inc..(Allison, Melissa) (Entered: 01/19/2018) |
| 01/19/2018 | <u>8</u> | CORPORATE DISCLOSURE STATEMENT by North American Communications, Inc.. (Allison, Melissa) (Entered: 01/19/2018) |
| 01/22/2018 | <u>9</u> | DISREGARD ENTRY, WRONG EVENT SELECTED. Summons Issued as to Martin Gubb. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Jones, Sherry) Modified on 1/22/2018 (Jones, Sherry). (Entered: 01/22/2018) |
| 01/22/2018 | <u>10</u> | COUNTERCLAIM IS FILED CORRECTLY. Notice of correction to docket made by Court staff. Correction: Entry #7, counsel filed a counterclaim against Martin Gubb, this cannot be done, he is not listed as a party. This should have been entered as a third party complaint. Martin Gubb will be terminated from the docket. (Jones, Sherry) Modified on 1/24/2018 (Jones, Sherry). Modified on 1/31/2018 (Jones, Sherry). (Entered: 01/22/2018) |
| 01/22/2018 | <u>11</u> | Summons Issued as to Martin Gubb. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Jones, Sherry) (Entered: 01/22/2018) |
| 01/30/2018 | <u>12</u> | NOTICE of Appearance by James D. O'Brien, Jr on behalf of L&P Paper, Inc. (O'Brien, James) (Entered: 01/30/2018) |
| 01/30/2018 | <u>13</u> | ACKNOWLEDGMENT OF SERVICE Executed by L&P Paper, Inc.. North American Communications, Inc. served on 11/15/2017, answer due 1/19/2018. Acknowledgment filed by L&P Paper, Inc.. (Attachments: # <u>1</u> Certificate of Service)(O'Brien, James) (Entered: 01/30/2018) |

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| 02/02/2018 | 14 | ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is mandatory. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at http://www.mad.uscourts.gov . (Belpedio, Lisa) (Entered: 02/02/2018) |
| 02/09/2018 | 15 | <i>L&P Paper Inc.'s ANSWER to Counterclaim of North American Communications Inc.</i> by L&P Paper, Inc..(O'Brien, James) (Entered: 02/09/2018) |
| 02/09/2018 | 16 | NOTICE by L&P Paper, Inc. <i>Refusal to Consent to Proceed Before a U.S. Magistrate Judge</i> (O'Brien, James) (Entered: 02/09/2018) |
| 02/12/2018 | 17 | ELECTRONIC NOTICE of Reassignment. District Judge Timothy S. Hillman added. Magistrate Judge David H. Hennessy no longer assigned to case. (adminn,) (Entered: 02/12/2018) |
| 02/21/2018 | 18 | ANSWER to Counterclaim by Martin Gubb.(Foley, Paul) (Entered: 02/21/2018) |
| 03/08/2018 | 19 | JOINT STATEMENT of counsel <i>Pursuant to Rule 26(f) and Local Rule 16.1.</i> (Allison, Melissa) (Entered: 03/08/2018) |
| 03/16/2018 | 20 | NOTICE of Scheduling Conference. Scheduling Conference set for 4/20/2018 11:00 AM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 03/16/2018) |
| 04/20/2018 | 21 | CERTIFICATION pursuant to Local Rule 16.1 . (Allison, Melissa) (Entered: 04/20/2018) |
| 04/20/2018 | 22 | Electronic Clerk's Notes for proceedings held before District Judge Timothy S. Hillman: Scheduling Conference held on 4/20/2018, Case called, Counsel appear for scheduling conference, Court adopts parties proposed scheduling order deadlines, Scheduling order to issue, (Court Reporter: Digital Recording) To order a copy of this Digital Recording, please go to http://www.mad.uscourts.gov/attorneys/Magistrate-Audio.htm . For a transcript of this proceeding, contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov .(Attorneys present: O'Brien/Allison,Ortiz) (Castles, Martin) (Entered: 04/20/2018) |
| 04/26/2018 | 23 | District Judge Timothy S. Hillman: ORDER entered. SCHEDULING ORDER: Status Conference set for 7/9/2018 03:30 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. Amended Pleadings due by 7/1/2018. Discovery to be completed by 10/31/2018 Motions due by 2/1/2019(Castles, Martin) (Entered: 04/26/2018) |

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| 06/15/2018 | 24 | ELECTRONIC NOTICE OF RESCHEDULING. Status Conference reset for 8/9/2018 at 2:00 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 06/15/2018) |
| 06/28/2018 | 25 | Assented to MOTION for Extension of Time to 8/31/18 to Complete Discovery <i>and Amend Pleadings</i> by North American Communications, Inc..(Allison, Melissa) (Entered: 06/28/2018) |
| 06/28/2018 | 26 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 25 Motion for Extension of Time to Complete written Discovery and amend the pleadings. Amended Pleadings due by 8/31/2018 and requests for production of documents, interrogatories and requests for admissions shall be served by 8/31/18. (Castles, Martin) (Entered: 06/28/2018) |
| 07/13/2018 | 27 | NOTICE of Withdrawal of Appearance by James D. O'Brien, Jr <i>for Paul C. Foley</i> (O'Brien, James) (Entered: 07/13/2018) |
| 07/13/2018 | 28 | NOTICE of Withdrawal of Appearance by James D. O'Brien, Jr <i>for Paul C. Foley</i> (O'Brien, James) (Entered: 07/13/2018) |
| 07/31/2018 | 29 | ELECTRONIC NOTICE OF RESCHEDULING. Status Conference reset for 8/10/2018 at 10:00 AM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 07/31/2018) |
| 08/10/2018 | 30 | Electronic Clerk's Notes for proceedings held before District Judge Timothy S. Hillman: Status Conference held on 8/10/2018, Case called, Counsel appear for status conference, Parties inform the Court of the status of discovery, Parties move to extend the scheduling order deadlines 2 months, Court grants motion, AMENDED SCHEDULING ORDER: Requests for production of documents, interrogatories and requests for admissions shall be served by 10/31/18. Fact Discovery to be completed by 12/31/2018, Dispositive Motions due by 4/1/2019), (Status Conference set for 1/4/2019 at 10:00 AM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman, (Court Reporter: Marianne Kusa-Ryll at justicehill@aol.com.)(Attorneys present: O'Brien/Allison) (Castles, Martin) (Entered: 08/10/2018) |
| 08/31/2018 | 31 | Assented to MOTION to Amend <i>Counterclaim</i> by North American Communications, Inc.. (Attachments: # 1 Exhibit A)(Allison, Melissa) (Entered: 08/31/2018) |
| 09/27/2018 | 32 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 31 Motion to Amend counterclaim. (Castles, Martin) (Entered: 09/27/2018) |

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| | | 09/27/2018) |
| 10/19/2018 | 33 | AMENDED DOCUMENT by North American Communications, Inc.. Amendment to 7 Answer to Complaint, Counterclaim <i>Answer and Amended Counterclaim</i> . (Allison, Melissa) (Entered: 10/19/2018) |
| 12/21/2018 | 34 | MOTION for Leave to File <i>Third-Party Complaint</i> by L&P Paper, Inc.. (Attachments: # 1 Memorandum, # 2 Affidavit, # 3 Third Party Complaint)(O'Brien, James) (Entered: 12/21/2018) |
| 01/02/2019 | 35 | Joint MOTION to Continue Status Conference to Court's discretion by North American Communications, Inc..(Allison, Melissa) (Entered: 01/02/2019) |
| 01/02/2019 | 36 | Assented to MOTION for Extension of Time to Jan. 11, 2018 to file opposition to motion for leave to file third-party complaint by North American Communications, Inc..(Allison, Melissa) Modified on 1/2/2019 (Castles, Martin). (Entered: 01/02/2019) |
| 01/02/2019 | 37 | NOTICE of Appearance by David B. Lyons on behalf of North American Communications, Inc. (Lyons, David) (Entered: 01/02/2019) |
| 01/02/2019 | 38 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 36 Motion for Extension of Time to File Response re 34 MOTION for Leave to File <i>Third-Party Complaint</i> . Response due by 1/11/2019. (Castles, Martin) (Entered: 01/02/2019) |
| 01/02/2019 | 39 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 35 Motion to Continue. Status Conference set for 2/11/2019 at 2:15 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 01/02/2019) |
| 01/11/2019 | 40 | MEMORANDUM in Opposition re 34 MOTION for Leave to File <i>Third-Party Complaint</i> filed by North American Communications, Inc.. (Lyons, David) (Entered: 01/11/2019) |
| 01/17/2019 | 41 | MOTION for Leave to File <i>Reply Brief</i> by L&P Paper, Inc..(O'Brien, James) Modified on 1/18/2019 (Burgos, Sandra). Modified on 1/28/2019 (Jones, Sherry). (Entered: 01/17/2019) |
| 01/23/2019 | 42 | DISREGARD THIS ENTRY, COUNSEL ATTACHED THE WRONG DOCUMENT. REPLY to Response to 41 MOTION for Extension of Time to File Response/Reply to <i>Defendant/Counter-claim Plaintiff's Opposition to Motion to File Third-Party Complaint</i> filed by L&P Paper, Inc.. (O'Brien, James) Modified on 1/28/2019 (Jones, Sherry). (Entered: 01/23/2019) |
| 01/23/2019 | 43 | DISREGARD THIS ENTRY, COUNSEL FILED THE WRONG |

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| | | DOCUMENT: MOTION for Leave to File <i>Reply Brief</i> by L&P Paper, Inc..(O'Brien, James) Modified on 1/28/2019 (Jones, Sherry). (Entered: 01/23/2019) |
| 01/28/2019 | 44 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 41 Motion for Leave to File a Rely Brief ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. finding as moot as a duplicate filing 43 Motion for Leave to File Document. (Jones, Sherry) (Entered: 01/28/2019) |
| 01/28/2019 | 45 | REPLY to Response to 34 MOTION to file a third-party complaint filed by L&P Paper, Inc.. (O'Brien, James) Modified on 1/31/2019 (Jones, Sherry). (Entered: 01/28/2019) |
| 02/08/2019 | 46 | ELECTRONIC NOTICE OF RESCHEDULING. Status Conference reset for 2/22/2019 at 2:00 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 02/08/2019) |
| 02/11/2019 | 47 | ELECTRONIC NOTICE OF RESCHEDULING. Status Conference reset for 3/7/2019 at 3:15 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 02/11/2019) |
| 03/07/2019 | 48 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered. ORDER Canceling Deadline. The Status Conference set for 3/7/2019 is hereby canceled.(Castles, Martin) (Entered: 03/07/2019) |
| 03/26/2019 | 49 | Joint MOTION for Extension of Time to July 12, 2019 to Complete Discovery <i>and to August 9, 2019 to file Dispositive Motions</i> by North American Communications, Inc..(Allison, Melissa) (Entered: 03/26/2019) |
| 05/29/2019 | 50 | NOTICE of Appearance by Louis M. Ciavarra on behalf of Martin Gubb, L&P Paper, Inc. (Ciavarra, Louis) (Entered: 05/29/2019) |
| 05/29/2019 | 51 | NOTICE of Appearance by Jared A. Fiore on behalf of Martin Gubb, L&P Paper, Inc. (Fiore, Jared) (Entered: 05/29/2019) |
| 06/12/2019 | 52 | NOTICE of Withdrawal of Appearance by James D. O'Brien, Jr (O'Brien, James) (Entered: 06/12/2019) |
| 06/13/2019 | 53 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered granting 49 Motion for Extension of Time to July 12, 2019 to Complete |

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| | | Discovery and to August 9, 2019 to file Dispositive Motions. (Castles, Martin) (Entered: 06/13/2019) |
| 06/13/2019 | 54 | ELECTRONIC NOTICE of Hearing. Status Conference set for 7/30/2019 at 2:45 PM in Courtroom 2 - Worcester before District Judge Timothy S. Hillman. (Castles, Martin) (Entered: 06/13/2019) |
| 06/27/2019 | 55 | SUGGESTION OF BANKRUPTCY Upon the Record as to North American Communications, Inc. by North American Communications, Inc.. (Allison, Melissa) (Entered: 06/27/2019) |
| 06/28/2019 | | District Judge Timothy S. Hillman: ORDER entered. Case stayed due to filing of Suggestion of Bankruptcy. (Castles, Martin) (Entered: 06/28/2019) |
| 06/28/2019 | 56 | District Judge Timothy S. Hillman: ELECTRONIC ORDER entered. ORDER Canceling Deadline. Status Conference set for 7/30/2019 is hereby canceled.(Castles, Martin) (Entered: 06/28/2019) |

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